

REMARKS:

Claims 13, 14 and 16 are presented for examination, with claims 13, 14 and 16 having been amended hereby and claims 15 and 17 having been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of claims 13 and 14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this regard, it is noted that independent claim 13 has been amended hereby to address the “a closure that having” and “interior space” wording discussed by the Examiner.

It is further noted that the rejection of claim 15 has been rendered moot by its cancellation hereby and that claim 14 had apparently been rejected based solely on its dependence from claim 13.

Accordingly, it is respectfully submitted that the rejection of claims 13 and 14 under 35 U.S.C. §112, second paragraph, has been overcome.

Reconsideration is respectfully requested of the rejection of claims 13, 14 and 16 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,478,330 (“Lin ‘330”).

As the Examiner points out in paragraph 6 of the above-mentioned Office Action, “Lin ‘330 is silent about storing a pair of eyeglasses”.

Since independent claims 13 and 16 have been amended hereby to explicitly recite storage of a pair of eyeglasses, it is respectfully submitted that Lin ‘330 clearly fails to anticipate these claims, as amended.

Moreover, since claim 14 depends from claim 13, it is respectfully submitted that Lin ‘330 likewise clearly fails to anticipate this claim.

Therefore, it is respectfully submitted that the rejection of claims 13, 14 and 16 under 35 U.S.C. 102(b) as being anticipated by Lin ‘330 has been overcome.

Regarding the rejection of claims 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Lin ‘330 in view of U.S. Patent 6,145,986 (“Conner ‘986”), it is respectfully submitted that the cancellation of these two claims has rendered their rejection moot.

However, since claims 13 and 16, as amended, essentially recite the subject matter of now

cancelled claims 15 and 17, in order to expedite prosecution of the application a few comments directed to the Examiner's now moot rejection of claims 15 and 17 will now be made.

More particularly, it is respectfully submitted that it would not, in fact, have been obvious to store a pair of eyeglasses in the container of Lin '330 as proposed by the Examiner in paragraph 6 of the above-mentioned Office Action.

In fact, a studied analysis of Lin '330 reveals that this reference actually teaches away from the storage of such eyeglasses. This is because an explicit object of the Lin '330 container invention is "to provide a versatile pocket-size container which is slightly larger than a cigarette case". (see Col. 1, lines 19-21) (emphasis added). As the Examiner will no doubt appreciate, such a small container is clearly not suitable for storing a pair of eyeglasses.


Accordingly, it is respectfully submitted that each rejection raised by the Examiner in the May 30, 2003 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Favorable reconsideration is earnestly solicited.

Dated: October 29, 2003

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